



City of Sherwood
PLANNING COMMISSION
Stewart Senior/Community Center
855 N. Sherwood Boulevard
May 16, 2000 - 7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes – May 2, 2000**
- 3. Agenda Review**
- 4. Community Comments** *are limited to items NOT on the printed Agenda.*
- 5. Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias) **Public Hearings** before the City Council and other Boards and Commissions shall follow the following procedure (Resolution 98-743, adopted June 9, 1998):
 - Staff Report--15 minutes
 - Applicant--30 minutes(to be split, at the discretion of the applicant, between presentation and rebuttal.)
 - Proponents—5 minutes each (applicants may not also speak as proponents.)
 - Opponents—5 minutes each
 - Rebuttal—Balance of applicant time (see above)
 - Close Public Hearing
 - Staff Final Comments—15 minutes
 - Questions of Staff/Discussion by Body—no limit
 - Decision (Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)
 - A. SUB 00-03 Orchard Hill Subdivision Preliminary Plat (cont'd from 05-02-00):** a request by Joe Broadhurst for a 56-lot single-family subdivision and 1-lot general commercial site, located west of Hwy 99W and east of Elwert Rd. Tax Lot 1201, Map 2S 1 31B and Tax Lot 5700, Map 2S 1 31BB. (*Carole Connell*)
 - B. SP 00-05/VAR 00-01 Marketplace at Sherwood (GI Joes) Site Plan & Variance:** 50,000 sf GI Joes retail center & 34,000 sf of additional retail space and visual landscape variance. Tax Lot 2500, Map 2S 1 30D. **The applicant has requested a continuance of this hearing.**
- 6. New Business**
- 7. Adjourn to Work Session for discussion of Metro 2040 Title 3, 4 & 6 Compliance** (*Carole Connell*)

**ITEMS NOT COMPLETED BY 11:00 PM WILL BE CONTINUED
TO THE NEXT REGULARLY SCHEDULED MEETING**



APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
May 16, 2000

1. Call to Order/Roll Call

Chair Angela Weeks called the meeting to order at 7:10 PM.

Commission Members present:

Sterling Fox
Keith Mays
Jeff Schroeder
Ken Shannon
Angela Weeks

Staff:

Dave Wechner, Planning Director
Carole W. Connell, Planning Consultant
Terry Keyes, City Engineer
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Adrian Emery
Jeff Fletcher

2. Minutes of May 2, 2000

Chair Weeks asked if there were any additions or corrections to the minutes of May 2, 2000. There were no comments.

Keith Mays moved the Planning Commission accept the May 2, 2000 minutes as presented. Seconded by Jeff Schroeder.

Vote for Passage of Motion: 4-Yes, 0-No, 1-Abstain (Fox)

3. Agenda Review

There were no comments.

4. Community Comments

There were no comments.

5. Public Hearings

Chair Weeks read the hearings disclosure statement and requested that Commission members reveal any conflicts of interest, ex-parte contact or bias regarding any issues on the agenda.

5A. SUB 00-03 Orchard Hill Subdivision Preliminary Plat (continued from May 2, 2000)

Ken Shannon announced he had ex-parte contact with Joe Broadhurst, and that he and Carole Connell walked the property. He is an adjacent property owner, however, he does not have any financial gain in this project, does not feel he has any bias and would like to participate in the public hearing tonight. The Commission agreed that Commissioner Shannon could participate in the public hearing. There were no objections from the audience.

Chair Weeks announced she had ex-parte contact with several parties as follows:

- May 2, 2000 conversation with Mr. Shannon regarding his participation in the public hearing for SUB 00-03 Orchard Hill Subdivision.
- May 2, 2000 conversation with Mr. Broadhurst regarding his proposed plan and some possible boundary changes to this preliminary plat.
- May 3, 2000 telephone call from Susan Claus regarding the public hearing on May 2, 2000 for this project.
- May 5, 2000 telephone call from Susan Claus regarding the same issues.
- May 7, 2000 telephone call from Jim Claus regarding the public hearing procedure and Mr. Broadhurst's plan.
- May 7, 2000 telephone conversation with Mayor Hitchcock regarding the telephone calls she had received from Mr. Claus.
- May 15, 2000 telephone conversation with Susan Claus.
- Attended a meeting with Staff and the Mayor on May 12, 2000 regarding Mr. Broadhurst's application.

Chair Weeks opened the public hearing on SUB 00-03 Orchard Hill Subdivision Preliminary Plat and called for the Staff Report.

Carole Connell referred the Commission to the Staff Report dated April 25, 2000, a complete copy of which is contained in the City Planning Files. She noted the following:

- There are still several unresolved issues with this proposal. She referenced the May 9, 2000 memo to Planning Commission that was made a part of the record.
- A revised plat was received on Friday, May 12, 2000, after the Planning Packets had been distributed. Staff did not have enough time to completely analyze these changes. Copies of the revised plat were placed on the table for the Commission.
- The new plat has the same number of lots, however the street system has been revised and access has been provided to the Elks property (Tax Lot 602).
- It is up to the Commission whether to hear the application tonight or continue it to another date to allow time to review the revised plat.

Mr. Mays said he would not be comfortable making a decision tonight. However, the Commission agreed that since there were several members of the public in attendance who wished to speak, the Commission would take testimony.

Ms. Connell continued with her review:

- Access from this subdivision to Tax Lot 57 (the general commercial site adjoining Highway 99W) is still unanswered and remains a concern to Washington County and ODOT. This was not addressed on the revised plat.
- Staff has not received any additional information that Lots 7 and 8 now include a portion of the adjacent property owners (Mr. Claus) tract of land. There is no information in the file

regarding Mr. Claus being involved with this application. The City may need Mr. Claus' signature on this application.

- The stormwater facility has been identified on the revised plat, but USA has not had an opportunity to review and comment on the new location. The City Engineer also needs to review this location.
- The question remains regarding availability of water to the site. The pump station was built for the Wyndham Ridge PUD and is currently privately owned. The Orchard Hill Subdivision would need to get water provided by the pump station in order to develop. However, this cannot occur until the City owns the pump station.

Terry Keyes, City Engineer, commented that the pipe system in this area belongs to the City. The pump station was built by Centex and is owned by Centex. Initially, it was built to serve the uphill area in Wyndham Ridge to provide adequate water pressure. Most of the Orchard Hill Subdivision will be located in this upper pressure zone and it would need a pump station to get the appropriate water pressure. He has met with representatives from Centex and they told him in pretty clear terms that the pump station did not belong to the City and that any further subdivisions being built could not use the pump station until the City agrees to pay for it.

Mr. Shannon said he had brought this issue up when the New Elementary School Site Plan was being reviewed. It is on the record when he told Mr. Turner that the City did not own the pump station. It has been known for some time that the pump station did not belong to the City. This issue needs to be resolved now.

Mr. Keyes said the City reservoir on Kruger Road should address water issues for the New Elementary School. However, the City needs the pump station for the new reservoir.

Ms. Connell said with the exception of Lot 40, the lots and streets are acceptable and the utility connections are made or can be made. There will be some improvements to Elwert Road. She entered the April 10, 2000 letter from Washington County into the record.

In conclusion, Ms. Connell said because the Commission did not receive the revised plat 20 days prior to this hearing, the Development Code does allow for a continuance.

Chair Weeks asked if the applicant wished to provide testimony.

Joe Broadhurst, 395 N. Sherwood Boulevard, Sherwood, Oregon 97140, addressed the Commission. Mr. Broadhurst noted:

- The revised preliminary plat did not have a lot of changes from the original plat.
- The water problem should not be such a wide focus.
- He did not know why the Commission could not hear the application tonight. He agreed to continue the application from May 2, 2000 and the Commission has a Staff Report in their packets.
- The Commission will determine how things will work out and he did not know what the problem was in hearing the application tonight.

The Commission advised Mr. Broadhurst that the Staff Report does not address the changes that were made to the revised plat.

Mr. Shannon said for the Commission to approve the project, there has to be adequate utilities. There is a concern about the availability of adequate to the site and this must be resolved. He mentioned this to Mr. Broadhurst in their previous conversation. The following issues need to be resolved:

- The Commission and Staff have not had enough time to respond to the revised preliminary plat that was submitted on May 12, 2000.
- There is a question of the property line and whether additional property, owned by other individuals, was being made a part of this plat.
- The water issue needs to be resolved.

Mr. Broadhurst said the water issue could be addressed in a condition of approval on how the “fair share” would be met.

Mr. Shannon and Mr. Broadhurst spoke simultaneously about access.

Ms. Connell asked Mr. Broadhurst if there was additional land included on the plat that is owned by Mr. Claus. Mr. Broadhurst said this was correct.

Ms. Connell read from Section 3.104.01A, “...all application materials to be relied upon in public hearings on land use actions required by this Code shall be available for public inspection 20 calendar days in advance of the initial hearing before the Commission or Council.”

Chair Weeks advised Mr. Broadhurst that the public hearing is a different process than a pre-application meeting. The plat the Commission is being asked to approve tonight was not available two weeks ago. It is the applicant’s responsibility to provide this information.

Mr. Broadhurst said he knows that Staff is working on the process, but it still has some flaws.

Chair Weeks asked if there was any proponent testimony.

Robert J. Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. He made reference to the 10,000 square foot parcel he owns that is now a part of this plat. Ken Bauer, the Washington County Surveyor, told him that he could testify to the fact that if this subdivision passes, the applicant could do a lot line adjustment with Mr. Claus to bring this 10,000 sq ft parcel into the subdivision. The Commission could condition the approval subject to the lot line adjustment. There should also be a condition that the applicant fence this subdivision in a similar manner to what Centex did along Mr. Shannon’s and Mr. Claus’s property (chain link with slats). The plat approval could be conditioned on these issues being met. He would be happy to put this in writing, but it is an administrative matter. He also noted:

- Mr. Roy Priest the highest class developer Sherwood has ever had.
- The City is now living with the decisions of Mr. Bormet, who made it a condition that Centex put in the pump station. Apparently, alleging under the terms, he meant put it in and pay for it. Mr. Claus' understanding of that meeting was Centex would put in the pump station and the City would reimburse them. Unfortunately, the minutes under Mr. Bormet do not accurately reflect what occurred at the meeting.
- He believed that the current Staff has an incredible handicap in dealing with the previous Bormet minutes.
- Centex is the one developer that has not asked for SDC credits.
- He discussed ODOT and access to Highway 99W. When it comes to 99W, ODOT is not rational.
- The Orchard Hill project is going to run into the same problem with ODOT and access to 99W. If you don't believe this, just ask Home Depot how they are getting a signal. The only way the City is going to get a signal at 99W and Meinecke is if the City does what Home Depot did, put it so the warrants are there and are required by federal compliance agreement to give the City the signal.
- The property that he and Susan own, next to Mr. Broadhurst, has a deeded ingress and egress to Highway 99W.
- The pump station and access to 99W should probably be dealt with at the Council level.
- He was told by Mr. Broadhurst that someone also wants to preserve the Hazelnut Trees. The Hazelnut Trees in this area are blighted. He does not want the liability for these trees.
- The Orchard Hill project is proposing 7,000 sf lots and not increasing density similar to the Miller's Landing project.
- If the City needs paperwork on the 10,000 square foot piece or property, he will provide this.

Chair Weeks asked if there was any further proponent testimony. There being none, Chair Weeks called for opponent testimony.

Roy Priest, representing Centex Homes, 4000 Kruse Way Place, Building 2, Suite 300, Lake Oswego, Oregon 97035, addressed the Commission. He referenced a letter dated May 2, 2000 which was submitted for the record and is made a part of these minutes. He noted:

- The application does not meet the requirements of Section 7.201.03, Part D of the Development Code. Adequate water service available for this project does not currently exist.
- The City of Sherwood Master Plan requires that a water booster station be constructed prior to the development of any properties west of Stein Terrace and north of Pacific Highway to the Urban Growth Boundary.
- Centex, as a condition of approval for Wyndham Ridge III, completed construction of this Water Master Plan facility in 1999.
- As of this date, the City has neither accepted this facility as a public improvement, nor addressed the reimbursement to Centex Homes for construction of this facility.

- Until such time as the City formally accepts this facility as a public improvement and addresses the reimbursement issue, adequate water supply to this service area should not be determined to exist from this privately owned facility.
- On the basis that adequate public services do not currently exist, they are asking that this application be denied or continued, until such time as the City accepts the water booster station as a public facility and reimburses Centex Homes for the construction cost.
- Centex has maintained this position from the start of the project.

Mr. Schroeder asked if something went wrong with the pump station at this time, who would repair it? Mr. Priest said right now if something went wrong, the City would call Centex to repair it. Centex has been paying the electric bills for this station.

Keith Jehnke, AKS Engineering, 18961 SW 84th, Tualatin, Oregon 97062, addressed the Commission. They have been working on this project with Mr. Broadhurst. They modified the layout of the plat to address a lot of the issues in the Staff Report. He would like to see the Commission move forward with this project and put any solutions to issues in the conditions of approval.

Kendall Scudder (opponent), 22114 SW Fisk Terrace, Sherwood, Oregon 97140, addressed the Commission. He had the following concerns:

- The pump station and insufficient water pressure. They do not have very good water pressure now and additional connections concern him.
- Construction traffic going through the Wyndham Ridge Subdivision.
- Wyndham Ridge has certain amenities and existing CC&R's. Will the Orchard Hill Subdivision have the same type of lighting and be compatible?
- The previous owner of the property maintained it and he was concerned about the problem with weeds coming over onto his property.

Chair Weeks asked Mr. Scudder if he had voiced his concerns over water pressure to Centex. Mr. Scudder said he had talked to Centex representatives.

Mr. Priest addressed the Commission regarding water pressure. They are aware of the problems with the water pressure and have measured the water pressure of every house. The pump station is set up according to the design. They have been working on a water pressure study and recommendations to increase the outlet pressure on this booster station. This will probably have to be done in order to fill the Kruger Road Reservoir. Within the Wyndham Ridge Subdivision there does need to be some adjustments made to the pressure. They have not made any recommendations to change the pressure, or do any additional work on the pump station until the pump station is accepted to the City. They built the pump station according to the plan and specifications. They complied with everything the City requested them to do. They paid the consultant bills and built the station as a cost of \$400,000. This is a significant amount. They want to move forward to a resolution and reimbursement for the station. The design study for the initial pump station limits its service area to that portion of the City, north of Highway 99W and east of Elwert Road. There was no capacity built in the pump station to facilitate development outside of these areas.

Mr. Wechner asked Mr. Priest if fire flow at 1,000 gpm is currently available. Mr. Priest said this pump station has the fire flow capability of about 3,500 gpm. He identified the area that the pump station was designed to serve, both for fire flow and domestic flow. They were flowing at over 3,000 gpm and the outlet pressure at the pump station is 75-80 psi. As you go up in elevation, you would lose pressure. The pumps come on as the demands increase. There are pressure regulating devices in the station that maintain the pressure coming out from the station.

Dave Heironimus, 21989 SW Aldridge Terrace, Sherwood, Oregon 97140, addressed the Commission. He was providing testimony on behalf of the Vineyards Homeowners Association. He is the President of the Association that consists of 189 homes in the three phases. The Association does not have any serious objections to this proposal. They want to make sure they protect the integrity of their neighborhood. They have concerns about water pressure, traffic, and CC&R's. He asked if this subdivision was going to have a homeowners association. The Association would like this project to be a good fit to the existing Wyndham Ridge Subdivision.

Ms. Connell responded that the Orchard Hill Subdivision would not have a homeowners association. There is no commonly-owned property in this subdivision and a homeowners association would not be required.

Ms. Connell noted that applicant for this subdivision did not do a separate traffic study for the project. Washington County will require a fairly extensive traffic study for the project.

Chair Weeks asked if there was anyone else who wished to provide testimony. There being none, Chair Weeks asked if the applicant wished to provide rebuttal testimony.

Joe Broadhurst addressed the Commission. He thought the Commission should move forward with this project and condition it for adequate water and they would pay their fair share.

Chair Weeks closed the public hearing on SUB 00-03 Orchard Hill Preliminary Plat for discussion by the Commission.

Chair Weeks asked what the normal procedure is for the Commission when reviewing a preliminary plat. Would it be normal procedure for the plat to come before the Commission in this manner? Ms. Connell said it would not be normal.

Ms. Connell said more time was needed to write conditions that would address the revised plat. There are at least 12-15 conditions in the Staff Report that need to be revised. Writing conditions at this meeting would be unfair to the Commission.

Mr. Wechner said part of the application requirements are for the applicant to provide a current preliminary title report, plat book search, and a list of all tax lot owners and addresses. Chapter 4.100 identifies the application requirements. One of the problems Staff has with this application is the inclusion of additional property to the original plat. A property line adjustment could be done, but this application needs to be a part of the preliminary plat. The stormwater facility now

being identified on the revised plat has not been confirmed as workable by the City Engineering Department or USA. The 120-day time line must also be considered. The applicant has addressed some of the issues with the revised plat.

He said the three main requirements with approval of a preliminary plat are water, fire flow, sewer, and transportation access. There is a difference between requirements and a condition. When an application comes before the Commission, aside from addressing the Commission concerns in plat design changes, the requirements of the plat should be met. In this case, the burden has not been met.

Mr. Fox asked how the water pressure was going to be resolved.

Mr. Keyes stated the best that could be done is to state in a condition that the final engineering plans for the project would not have final approval until the water issues are resolved.

Mr. Shannon said the water problem has been around for awhile and it has not been addressed by the City. This needs to be resolved by the City Council.

Mr. Keyes stated that Centex is working with the City to resolve the pump station issue.

The Commission concurred that they had a Staff Report that did not match the revised plat.

Mr. Broadhurst said he would be willing ask for a continuance and extend the 120-day deadline.

Keith Mays moved the Planning Commission continue SUB 00-03 Orchard Hill Preliminary Plat to the June 20, 2000 Regular Commission meeting. This continuance would extend the 120-day deadline by 35 days. Seconded by Sterling Fox.

Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain

Chair Weeks recessed the meeting at 8:40 PM for a 10-minute break and reconvened the Regular Commission meeting at 8:50 PM.

The Commission asked that the applicant submit any new materials by June 2, 2000 in preparation for the June 20th public hearing.

5B. SP 00-05/VAR 00-01 Marketplace at Sherwood (GI Joes) Site Plan and Variance

Chair Weeks referred the Commission to the May 1, 2000 letter from the applicant requesting a continuance and extending the 120-day deadline.

Keith Mays moved the Planning Commission accept the applicant's request for a continuance and continue SP 00-05/VAR 00-01 Marketplace at Sherwood (GI Joes) Site Plan and Variance to the June 20, 2000 Regular Commission meeting. This continuance will extend the 120-day deadline.

Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain

6. New Business

Mr. Wechner announced the City has hired Keith Jones as an Associate Planner. The Planning Department has moved their offices to the first floor at City Hall.

7. Adjourn to Work Session for discussion of Metro 2040, Title 3 and 4 Compliance

There being no further business to discuss, the Commission adjourned to a work session at 9:00 PM.

The Work Session adjourned at approximately 9:50 PM.

Respectfully submitted,

Planning Department